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(72)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.4718 of 2006

Petitioner : Deepak Tokatwar, Son of Shri Gopal Rao Tokatwar, aged about 41 years, Resident of Pakhanjur Colony, Pakhanjur, District North bastar, Kanker (C.G.)

Versus

Respondents
1. State of Chhattisgarh , Through: The Secretary, Department of health and Family Welfare, D.K.S. Bhawan, Raipur (C.G.)
2. The Chief Medical and health Officer, Kanker, District North bastar Kanker (C.G.)
3. The Civil Surgeon cum Hospital superintendent, kanker, District North Bastar Kanker (C.G.)
4. In-Charge Medical Officer, Primary Health Centre Kapsi, district North Bastar Kanker (C.G.).

(Writ Petition under Article 226/227 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri P.P. Sahu, counsel for the petitioner.
Shri A.S. Kachhwaha, Govt. Advocate for the State/ respondents.

ORDER
(Passed on 25th June, 2007)

Learned counsel appearing for the petitioner submits that the petitioner was appointed on contract basis as Safai karmchari in the Health Department vide order 29.09.2003, initially for a period of two years. Thereafter, service of the petitioner continued from time to time. Lastly, by order dated 16.11.2005 (Annexure P-10), the appointment of the petitioner on cotract was made for a period of one year that came to an end on 15.11.2005.

(73)

2. Learned counsel appearing for the petitioner further submits that the respondents/authorites are still appointing Safai karmcharies on contract basis.

3. Be that as it may, it is well settled principal of law that an appointment made on contract basis is not a legal appointment as the same is done dehors the constitutional scheme of employment and not in accordance with the rules framed under Article 309 of the Constitution of India. Thus, the petitioner has not acquired any right to the post.

4. However, in the facts of the case, the respondents/authorities are expected to consider the application of the petitioner for appointment on contract basis along with other eligible candidates. There is no merit in the case.

5. In view of the foregoing, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

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